



# UNITED STATES PATENT AND TRADEMARK OFFICE

*Colh*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,048	12/31/2001	Adrian Crisan	200302266-1	2291
7590	08/24/2005		EXAMINER	
INTELLECTUAL PROPERTY ADMINISTRATION LEGAL DEPARTMENT M/S 35 PO BOX 272400 FT COLLINS, CO 80527-2400				LABAZE, EDWYN
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/039,048	CRISAN, ADRIAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	EDWYN LABAZE	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 15 and 26-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-15,36 and 37 is/are allowed.

6) Claim(s) 26-35 and 38-41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 5/26/2005.
2. Claims 1-15 and 26-41 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-35, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka (U.S 6,563,923) in view of Krishnan (U.S. 6,377,685).

Otsuka discloses portable telephone and character input method, which includes a key [as shown in fig. # 1] having a first data entry value associated with depressing a first portion [herein the position is described as one of the contact points 14 a-c, to which a data value is associated when depressing said contact position] of the key (col.4, lines 7+); the key having a second data entry value [Otsuka discloses in fig. # 9 that each key {6f- 6m} has a first and a second data entry values associated with the key and that each entry value corresponds to a contact point 14a-14d shown in fig. # 1] associated with deflecting the key in a predetermined direction toward a second portion of the key different from the first portion (col.4, lines 10+); the key having a user readable indication of the first, second and third data entry values [as shown in fig. # 9], and where the key is adapted for being displaced by a human fingertip (although not disclosed, but

inherently known in the art that depressing a key in a portable telephone keypad is adapted for being displaced by a human fingertip, or a pen and the like; as exemplified by the examiner in US reference 5,528,235 of Lin et al. {figs. # 4-5}).

Otsuka fails to teach a multifunctional key having a central portion and wherein is of the central portion and peripheral portions is displaceable to reference a different one of the plurality of discrete data entry values.

Krishnan discloses cluster management, which a multifunctional key 12 [as shown in figs. # 1-4; 6A-7; 9] having a central portion [herein disclosed as the primary key 12/112/121] and wherein is of the central portion and peripheral portions [herein disclosed as the secondary keys 34/36/38/40; 104; 156] is displaceable to reference a different one of the plurality of discrete data entry values (col.19, lines 30-67; col.20, lines 1-15), a QWERTY keyboard (col.24, lines 1-32).

In view of Krishnan's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a multifunctional key having a central portion and wherein is of the central portion and peripheral portions is displaceable to reference a different one of the plurality of discrete data entry values so as to separate the primary key from the secondary avoiding any possible erred input entry. Furthermore, such modification would clearly help the user inputting the correct data entry, wherein the primary key contact point is more exposed to the center of the key and cover a larger surface area, wherein the secondary keys are arranged to the outer periphery of the primary key. Moreover, such modification would have been an obvious extension as taught by Otsuka.

***Allowable Subject Matter***

5. Claims 1-15 and 36-37 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record, taken alone or in combination with any other references, fails to teach a data entry device comprising of a key having third data entry value associated with simultaneously depressing and deflecting the key in a predetermined direction to engage both the first and second portions of the key. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

***Response to Arguments***

7. Applicant's arguments filed 5/26/2005 have been fully considered but they are not persuasive.

The applicant argues that it would have not been obvious to combine the teachings of the prior art, Otsuka (U.S. 6,563,923) in view of Krishnan (U.S. 6,377,685) to produce the claimed invention (see page 10, of applicant's arguments).

The examiner respectfully disagrees with the applicant's remarks because Otsuka does teach part of the limitations of the claimed invention (i.e. means of depressing {which is by definition pushing down, as shown in fig.# 1} a multifunctional key). Furthermore, Claims 26-35 and 38-41 do recite the allowable subject matter. Therefore, the examiner believes that Otsuka, taken alone or in combination with Krishnan, anticipate the limitations of claims 25-35, and the examiner retains the rejections as set forth above.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang (U.S. 6,320,942) discloses directionally mapped, keyed alphanumeric data input/output system.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
August 17, 2005



THIEN M. LE  
PRIMARY EXAMINER